

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)
OF NORTHERN ILLINOIS PENSION FUND)
AND WELFARE FUNDS,)

Plaintiff,)

v.)

ROSELLE FARMERS LUMBER COMPANY)
an Illinois corporation, a/k/a ROSELLE LUMBER)
COMPANY)

Defendant.)

No. 06 C 7039

Judge Moran

Magistrate Judge Cole

MOTION TO REINSTATE AND FOR JUDGMENT IN SUM CERTAIN

NOW COMES the Plaintiff, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS PENSION FUND AND WELFARE FUNDS, by and through its attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, and moves to reinstate the case which was previously dismissed pursuant to a Stipulation to Dismiss on September 11, 2007 and pursuant to FRCP 55 move for entry of a default judgment in sum certain based upon the Defendant's default in the settlement agreement as stated in the supporting Affidavits attached hereto. In support of its Motion, Plaintiffs state as follows:

1. On September 12, 2007, the case was dismissed with leave to reinstate before November 30, 2007 pursuant to the terms of a written settlement agreement which called for the prompt payment of the installment payments copies of which are attached to the Affidavit of Olga Kane as Exhibits A and B requiring three payments of \$4,500.00 each due September 1, 2007, October 1, 2007 and November 1, 2007.

2. The initial installment payment was made; however, Defendant defaulted on the October 1, 2007 payment, was given notice and an opportunity to cure.

3. Defendant is now in default as to terms of the settlement agreement and as supported by the attached Affidavits the sum of \$9,000.00 is due.

WHEREFORE, Plaintiffs pray that the action be reinstated and for the entry of judgment against Defendant, ROSELLE FARMERS LUMBER COMPANY, an Illinois corporation, a/k/ Roselle Lumber Company and in favor of Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS in the amount of \$9,000.00.

s/John J. Toomey
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Dated: October 25, 2007